

In the High Court for the States of Punjab and Haryana, at Chandigarh.

R.S.A.No. 1246 of 2007 (O&M).
Decided on May 04,2007.

Jagdish Kumar -- Appellant

vs.

Asha Rani -- Respondent

Present: Mr.D.S.Sandhu, Advocate, for the appellant

Pritam Pal,J: (Oral)

This Regular Second Appeal by the defendant-tenant/appellant is directed against judgment and decree dated January 18, 2006, passed by learned Civil Judge (Senior Division), Kapurthala, whereby a suit for recovery of Rs. 54,000/- on account of rent of the shop of the respondent/landlady-plaintiff, along-with simple interest @ Rs. 6% per annum, from the date of filing of the suit till realization, was decreed. Thereafter, appeal filed by the appellant was also dismissed by learned District Judge, Kapurthala, vide his judgment and decree dated January 23,2007.

The sole contention raised by learned counsel for the appellant now is that a suit for specific performance of the agreement filed by the appellant in respect of the shop in dispute, is still pending. In the said suit, averments of the appellant are that a sum of Rs. 1,50,000/- was paid to the respondent- landlady as an earnest money and an agreement to

sell was entered into between the parties on April 13, 1994 with regard to the disputed shop in favour of the appellant.

Be that as it may, here in the instant case, there is no perversity in any of the concurrent findings arrived at by the Courts below. More-so, counsel for the appellant also could not make out any substantial question of law for consideration by this Court. Hence, this Regular Second appeal is hereby dismissed in *limine*. However, the trial Court, where the suit for specific performance filed by the appellant is pending, shall decide the same without being influenced by this order.

May 04, 2007
RR

(Pritam Pal)
Judge